

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARL F. SELF AND DAMEN OLDS,

Plaintiffs,

v.

BRITTANY BIRDSILL, ET AL.,

Defendants.

ORDER

Case No. 23-cv-374-wmc

Plaintiffs Carl F. Self and Damen Olds, prisoners in the custody of the Wisconsin Department of Corrections, have submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff Carl F. Self has filed a certified copy of a trust fund account statement in support of the motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff Self qualifies for indigent status.

Even when prisoner litigants qualify for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff Self's trust fund account statement, I conclude plaintiff Self's initial partial filing fee to be \$47.00. For this case to proceed, plaintiff Self must submit this amount on or before June 26, 2023.

ORDER

IT IS ORDERED that,

1. Plaintiff Carl F. Self is assessed \$47.00 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff Self is to submit a check or money order made payable

to the clerk of court in the amount of \$47.00 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before June 26, 2023.

2. If, by June 26, 2023, plaintiff Self fails to make the initial partial payment or show cause for failure to do so, plaintiff Self will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiffs filing this case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiffs' initial partial filing fee as directed above and the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 5th day of June, 2023.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge